IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 4441 OF 2004

IN

FIRST APPEAL (St.) NO. 32128 OF 2004

| Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
|---|---|

Mr.Khadapkar with Mr. R.G.Ketkar for the Applicant.

Mrs. M.S.Mhase/Thube for Respondent Nos.1 to 5.

**CORAM: S.B.DESHMUKH, J.**

**DATE : 5TH OCTOBER, 2006**

**P.C.:**

Heard learned Counsel for the applicant as well as respondent nos.1 to 5.

2. Perused the order passed by this Court on 20th December, 2004. Learned Counsel for the applicant, submits, that in accordance with the order passed by this Court, an amount of Rs.1,74,330/- is deposited with the learned Commissioner for Workmen's

Compensation on 4th January, 2005. I have also perused the office report showing that such amount is deposited with the learned Commissioner for Workmen's Compensation. Learned Counsel for the respondents seeks withdrawal of the said amount.

3. After hearing the learned Counsel for the parties, in my view, the respondents / original claimant can be permitted to withdraw 50% amount (Rs.87,000/-) on their personal undertaking. With this modification, the stay granted by this Court, shall remain in operation till the disposal of appeal by this Court.

4. In view of the above, subject to modification that the respondents are permitted to withdraw the amount of Rs.87,000/- on their personal undertaking, to be filed with the learned Commissioner for Workmen's Compensation that such withdrawal is subject to outcome of the appeal pending in this Court, the stay

granted by this Court is confirmed till disposal of the first appeal.

5. Civil Application is, accordingly, allowed and disposed of in the above terms.

6. All parties concerned to act on an authenticated copy of this order. Authenticated copy be given to parties as per usual procedure.

Sd/-

**(S.B.DESHMUKH, J.)**

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| | Mr.Khadapkar with Mr. R.G.Ketkar for the Appellant.<br><br>Mrs. M.S.Mhase/Thube for Respondent Nos.1 to 5.<br><br>**CORAM: S.B.DESHMUKH, J.**<br><br>**DATE : 5TH OCTOBER, 2006**<br><br>**P.C.:**<br><br>Heard learned Counsel for the appellant as well as respondent nos.1 to 5.<br><br>2. List the appeal for admission on 15th November, 2006.<br><br>Sd/-<br><br>**(S.B.DESHMUKH, J.)** |